

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: WILLIAM ROMINE and ROSS DOERING

Application No. 09/713,479
Technology Center 2100

Mailed: January 2, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on May 9, 2006, Appellants filed an Amendment After Final in response to the Final Rejection mailed December 19, 2005. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed Amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required in regard to entry of the after final amendment request to cancel claim 38.

CONCLUSION

- (1) appropriately respond to the Amendment After Final;
- (2) vacate the Examiner's Answer mailed July 26, 2006;
- (3) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as may be required; and
- (4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/kis

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